

RENTON CITY COUNCIL
Regular Meeting

February 12, 2001
Monday, 7:30 p.m.

Council Chambers
Municipal Building

MINUTES

CALL TO ORDER

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF
COUNCILMEMBERS**

DAN CLAWSON, Council President; TONI NELSON; RANDY CORMAN;
DON PERSSON; KING PARKER; TERRI BRIERE; KATHY KEOLKER-
WHEELER.

**CITY STAFF IN
ATTENDANCE**

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer;
LAWRENCE J. WARREN, City Attorney; MARILYN PETERSEN, City
Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator;
JIM SHEPHERD, Community Services Administrator; SYLVIA ALLEN,
Recreation Director; LESLIE BETLACH, Parks Director; STEVE
ANDERSON, Museum Supervisor; DENNIS CULP, Facilities Director;
CLARK PETERSEN, Library Director; SUE CARLSON, Economic
Development Administrator; BETTY NOKES, Economic Development Director;
DON ERICKSON, Senior Planner; DEREK TODD, Assistant to the CAO;
COMMANDER KEVIN MILOSEVICH, Police Department; CHIEF GARRY
ANDERSON, Police Department.

**APPROVAL OF
COUNCIL MINUTES**

MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL APPROVE
THE MINUTES OF FEBRUARY 5, 2001, AS PRESENTED. CARRIED.

**SPECIAL
PRESENTATIONS**

Community Services:
Employee Recognition Awards

Jim Shepherd, Community Services Administrator, announced that the following employees and teams from the Community Services Department were recognized for outstanding service in 2000:

Employee of the First Quarter: Ann McCoy (Library)

Employee of the Second Quarter: Betty Kirkland (Facilities)

Team of the Second Quarter: Maplewood Golf Course Team - Tom Walther, Pete Frigard, Greg Haake, Dayna Meier, Steve Meyers, Rebecca Shaw, Mike Toll, and Dave Van Santford

Employee of the Third Quarter: Paul Youngedyk (Facilities)

Employee of the Fourth Quarter: Dennis Murdoch (Facilities)

Mr. Shepherd also announced that Museum Supervisor Steve Anderson was chosen as the 2000 Employee of the Year for his commitment to the community, staff, and many museum volunteers. Mr. Anderson was instrumental in creating the Museum's *Century to Century* exhibit commemorating the City's Centennial.

Annexation: Merlino-Empire
Estates, MLK Jr Way (SR-
900) & S 140th St

Sue Carlson, Economic Development Administrator, reported that the King County Boundary Review Board approved the Merlino Annexation on January 31, 2001, but expanded the boundaries of the annexation to include Empire Estates. She explained that under State law, the City needs to establish its boundaries by March 1, 2001, in order to receive property taxes from the annexed area in 2002. Therefore, the matter is being brought before Council this evening.

Don Erickson, Senior Planner, explained that by including Empire Estates (a 240-unit apartment building) and the abutting right-of-way of Martin Luther

King, Jr. Way (SR-900), the original annexation area has been increased by 22.31 acres for a new total area of 87.49 acres. Noting that the area has been within Renton's Potential Annexation Area since 1993, Mr. Erickson described the rezoning assigned to various parcels within the annexation area. He then detailed the processes that led up to the King County Boundary Review Board's final approval, saying that the Board found that the inclusion of Empire Estates would make it easier for Renton to resolve issues relating to having two disparate uses (heavy industrial and residential) next to each other within the same jurisdiction.

Continuing, Mr. Erickson explained that if the area is annexed, existing County provisions as they relate to the Stoneway Black River and Concrete Recycling facility, including hearing examiner conditions, will apply to the property until new permits and conditions are approved by Renton. The facility owner must apply for a special fill & grade permit with the City within 30 days of annexation. A hearing with the hearing examiner is then required within 180 days of annexation. Mr. Erickson noted that a rehabilitation plan including finished grades and a bond equal to one and one-half times the estimated rehabilitation costs are also required.

Mr. Erickson reviewed the fiscal implications of annexing the property with the inclusion of Empire Estates as follows:

| <u>Revenues</u> | <u>w/o Empire Estates</u> | <u>with Empire Estates</u> |
|--------------------------|---------------------------|----------------------------|
| Existing Condition | \$4,177 | \$101,035 |
| Future New Residential | \$177,216 | \$277,870 |
| <u>Costs</u> | | |
| Existing Condition | (\$00) | (\$285,677) |
| Future New Residential | (\$238,831) | (\$524,508) |
| <u>Net Fiscal Impact</u> | | |
| Existing Condition | \$4,177 | (\$184,642) |
| Future New Residential | (\$61,615) | (\$246,638) |

Mr. Erickson pointed out that these figures do not include the 40.61 acres of industrial zoned property (rock quarry and concrete recycling). In conclusion, Mr. Erickson said that staff recommends adoption of the Merlino-Empire Estates Annexation this date, to enable the City to meet the March 1st deadline for property tax and levy assessments in 2002.

Council discussion ensued regarding the ramifications to the City if King County does not meet the deadline for transfer of property taxes after the City has approved the annexation.

Chief Administrator Officer Jay Covington suggested that if the annexation ordinance is adopted this date, Council can revisit the matter at the next Council meeting on February 26th if it appears King County will not be able to meet the deadline.

Responding to Council inquiry regarding the effect of the proposed annexation on police services, Police Chief Garry Anderson explained his plans to restructure police coverage by adding another patrol district and reassigning officers from the Community Patrol Response Team if the area were to be annexed. He noted that potential adjustments to police department staffing would be taken into consideration during the next City budget cycle.

City Attorney Larry Warren stated that he wanted Council to be aware of the

following issues if the area is annexed: 1) currently there are problems with the enforcement of the activities at the Stoneway facility; 2) there is an ongoing disagreement between the Stoneway facility and Empire Estates due to noise problems and related issues; and 3) due to the presence of the heron rookery, environmental groups will oppose any development on the property. Mr. Warren reminded Council that Stoneway has an agreement with the City to locate the concrete plant to a site outside the City's aquifer area.

Mayor Tanner recommended moving forward with the annexation and expressed his concerns if adoption of the ordinance is delayed. Mr. Warren also recommended adopting the ordinance, stating that if it appears King County cannot meet the March 1st deadline, Council could rescind the ordinance at the February 26th Council meeting. (See page 46 for ordinance.)

ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 2001 and beyond. Items noted included:

- * Two public meetings have been scheduled for citizen review of the I-405 Corridor Study alternatives. The first meeting will be held March 22nd at Kennydale Elementary School and the second meeting will be held April 26th at Renton City Hall, Council Chambers. Each meeting will run from 5:00 to 8:00 p.m.
- * On February 15th a meeting will be held in the Council Chambers at Renton City Hall from 5:30 to 7:30 p.m. for the purpose of evaluating and receiving citizen input on a proposal to relocate two Sound Transit bus routes from Logan Ave. S. to Park Ave.
- * Approximately 285 parents attended the Community Center Annual Preschool Information Night on Wednesday, February 7th, to check out 16 local preschools and their programs.

AUDIENCE COMMENT

Citizen Comment: Carlson – La Boutique, Compliance with City Code

Heidi Carlson, 806 Index Ct. NE, Renton, 98056, reported that she recently visited La Boutique, Etc., a business located in the Highlands, and she detailed the types of products available for purchase and described how the products were displayed. Ms. Carlson suggested that the store appears to violate the adult retail uses ordinance adopted on January 24, 2000, and requested that the City investigate whether or not La Boutique, Etc. is complying with the law.

CONSENT AGENDA

Appointment: Park Board

Items on the consent agenda are adopted by one motion which follows the listing.

Mayor Tanner appointed Ralph Evans, 3306 NE 11th Pl., Renton, 98056, to the Park Board to fill the unexpired term of Joan Moffat, who has resigned (term to expire 06/01/2002). Refer to Community Services Committee.

Community Services:
Centennial Commemorative
Sculpture (Hai Ying Wu)

Community Services Department recommended approval of a contract in the amount of \$27,500 with Hai Ying Wu to construct a sculpture commemorating Renton's Centennial to be erected on the southeast side of Carco Theater. Funding sources include: \$15,930 from the 1% for Art Fund; \$10,886 from the Centennial Funds account; and the remainder from private donations. Refer to Community Services Committee.

Court Case: Vonnie B
Whitlock, CRT-01-001

Court Case filed in Renton District Court by Vonnie B. Whitlock, 425 Morris Ave. S. Renton, 98055, who seeks compensation for injuries sustained from a fall on February 2, 1998, allegedly due to the City's failure to properly maintain the sidewalk located on Whitworth Ave. S. Refer to City Attorney and Insurance

Services.

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|---|---|
| Development Services: Architectural Projections in Setback Areas, Code Amend | Development Services Division requested approval of a zoning code amendment eliminating language that limits the type of architectural projections allowed into setback areas in Single Family Residential Zones. Refer to <u>Planning & Development Committee</u> . |
| Human Services: 2001 CDBG Funds & General Fund Increase & Allocation | Human Services Division recommended that the City accept \$1,770 in additional 2001 Community Development Block Grant funds; allocate the \$2,003 increase in General Funds to Catholic Community Services to provide emergency assistance to Renton residents; and confirm the intent of the City to fund only the agencies listed in the contingency plan should more funds become available. Refer to <u>Community Services Committee</u> . |
| Human Services: Reallocation of 2001 Domestic Violence Funds | Human Services Division recommended the reallocation of the 2001 domestic violence funds in the amount of \$23,000 from Domestic Abuse Women's Network (DAWN) to another domestic violence service provider. Refer to <u>Community Services Committee</u> . |
| Legal: Kathy's Restaurant Purchase for Fire Station #12 Relocation, AC-049 | Legal Division confirmed the purchase of the Kathy's Restaurant site located at 1209 Kirkland Ave. NE in the amount of \$971,250 for the future relocation of Fire Station #12. Information. |
| Transportation: Strander Blvd/SW 27th St Corridor Improvements, BERGER/ABAM Engineers | Transportation Systems Division recommended approval of a consultant agreement in the amount of \$310,000 with BERGER/ABAM Engineers, Inc. to develop feasible alternatives and determination of required environmental documentation for the Strander Blvd./SW 27th St. Corridor Improvements. Refer to <u>Transportation Committee</u> . |
| Franchise: King County, Construct & Maintain Sanitary Sewer Mains on County Roads | Utility Systems recommended adoption of a resolution authorizing a franchise with King County allowing Renton Wastewater Utility to operate, maintain, repair, and construct sanitary sewer mains and services lines on County roads. Refer to <u>Utilities Committee</u> . |
| <u>Added Item 7.j</u> Finance: Computer Software Upgrade, Eden Systems | Finance and Information Services Department requested approval of an agreement in the amount of \$100,000 with Eden Systems to upgrade to the newest version of the City's general ledger, payroll, budget and human resources computer software. Refer to <u>Finance Committee</u> . |
| OLD BUSINESS <u>Committee of the Whole</u> EDNSP: Downtown Parking Garage, S 2nd St & Logan Ave S | <p>MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL APPROVE THE CONSENT AGENDA AS AMENDED TO INCLUDE ITEM 7.j. CARRIED.</p> <p>Council President Clawson presented a report recommending that Council take the following actions with regard to the proposed downtown parking garage adjacent to the transit center:</p> <ol style="list-style-type: none"> 1. The Council is committed to building a parking garage at S. 2nd St. and Logan Ave. S. which will include long-term parking for employees and short-term parking for shoppers. 2. The issue of funding for the structure will be discussed at the Council retreat on March 15th and 16th along with a discussion of other capital needs and funding options for those needs. 3. The Council will appropriate \$50,000 at this time for preliminary design work. The design options and further cost estimates will also be presented at |

the Council retreat.

4. Staff will explore the concept of leasing parking to Metro or Sound Transit and will present this information at the retreat.
5. This subject will remain in Committee of the Whole.

MOVED BY CLAWSON, SECONDED BY BRIERE, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

**Community Services
Committee**

Appointment: Board of
Adjustment

Community Services Committee Chair Nelson presented a report regarding the appointment of Eric V. White to the Board of Adjustment. On February 6, 2001, Mr. White advised Mayor Tanner that he would be moving out of town within the next six to eight months. Mayor Tanner opted to withdraw Mr. White's name for consideration for appointment to the Board of Adjustment.

The Committee recommended concurrence in the Mayor's decision to withdraw Mr. White's name as a candidate for appointment to the Board of Adjustment, Position #7 (member of the general public) for a four-year term, which expires on September 6, 2004. MOVED BY NELSON, SECONDED BY PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Franchise: AT&T Broadband,
Cable Modem Service

Community Services Committee Chair Nelson presented a report regarding the AT&T franchise fees on cable modem service. AT&T Broadband has notified the City that it intends to discontinue paying franchise fees on its high-speed cable modem service (AT&T @Home) as of February 15, 2001, and has asked the City to waive the fees. The fees are currently collected by AT&T from subscribers and are passed through to the City. This request arises from a Ninth Circuit Court opinion in a 2000 lawsuit filed by Portland v. AT&T Broadband, in which the Court redefined modem service as a telecommunication product and not a cable service. The Federal Communications Commission is currently reviewing the definition and will make a ruling sometime this year.

It is the opinion of staff, the City Attorney, and the City's cable consultant that the City's existing franchise with AT&T (TCI) requires payment of franchise fees for "distributing and receiving television, data and other electronic signals" which would include high speed cable modem service. In addition, AT&T has no contractual obligation with the City that requires the franchise fees to be passed through to subscribers. Therefore, if AT&T chooses to stop collecting franchise fees on cable modem services from its subscribers, any refund liability would be the sole responsibility of AT&T Broadband.

The Community Services Committee recommended that Council authorize the City Attorney to prepare a letter to AT&T Broadband objecting to its proposal to discontinue payment of franchise fees on cable modem service to the City of Renton. MOVED BY NELSON, SECONDED BY PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

**Transportation (Aviation)
Committee**

Franchise: XO Washington,
Fiber Optics System

Transportation Committee Chair Persson presented a report regarding a franchise agreement with XO Washington, Inc. XO Washington, Inc. is a telecommunications provider and carrier requesting a franchise agreement with the City of Renton to install conduit and cable underground using conventional trenching, horizontal boring and directional drilling methods. This is a proposed ten-year franchise agreement between the City of Renton and XO Washington, Inc.

XO Washington, Inc. is a direct, wholly owned by, XO Communications, a

publicly traded Washington Corporation. XO Washington, Inc. is registered with the Washington Utilities and Transportation Commission as a competitive telecommunications company and is authorized to provide non-switched dedicated and private line high capacity fiber optic transmission services.

The Transportation (Aviation) Committee recommended approval of the XO Washington, Inc. franchise agreement. The Committee further recommended that the Mayor and City Clerk be authorized to execute the franchise agreement. MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 46 for ordinance.)

Franchise: Adelphia Business Solutions Operations, Fiber Optics System

Transportation (Aviation) Committee Chair Persson presented a report regarding a franchise agreement with Adelphia Business Solutions Operations, Inc. Adelphia Business Solutions Operations, Inc. is a telecommunications provider and carrier requesting a franchise agreement with the City of Renton to install conduit and cable underground using conventional trenching, horizontal boring and directional drilling methods. This is a proposed ten-year franchise agreement between the City of Renton and Adelphia Business Solutions Operations, Inc.

Adelphia Business Solutions Operations, Inc. is wholly owned by Adelphia Business, a publicly traded Delaware corporation. Adelphia Business Solutions Operations, Inc. is registered with the Washington Utilities and Transportation Commission as a competitive telecommunications company and is authorized to provide non-switched dedicated and private line high capacity fiber optic transmission services.

The Transportation (Aviation) Committee recommended approval of the Adelphia Business Solutions Operations, Inc. franchise agreement. The Committee further recommended that the Mayor and City Clerk be authorized to execute the franchise agreement. MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 46 for ordinance.)

Airport: Pro-Flight Aviation Lease Expansion Denial

Transportation (Aviation) Committee Chair Persson presented a report recommended that the Transportation (Aviation) Committee not authorize the expansion of the Pro-Flight Aviation leased land area.

The Committee further recommended that the City Council authorize the airport to lease five aircraft tie-down storage spaces to Pro-Flight Aviation for the storage of aircraft utilized in the conduct of their business only until such time that there are no airport-managed tie-down storage space vacancies. MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Airport: Lease Assignment Transfer from Liens to Ace Aviation, LAG-86-003

Transportation (Aviation) Committee Chair Persson presented a report recommending that the City Council authorize and approve the assignment of lease LAG-86-003 from the Liens to Ace Aviation, Inc. MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Finance Committee
Finance: Vouchers

Finance Committee Chair Parker presented a report recommending approval of Claim Vouchers 189830 - 190179, and one wire transfer totaling \$2,284,550.27; and approval of Payroll Vouchers 29854 - 30083 and 525 direct deposits totaling \$1,115,845.05. MOVED BY PARKER, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Utilities Committee

Special Assessment District:
80th Ave S

Utilities Committee Chair Briere presented a report regarding the establishment of the 80th Ave. S. Sanitary Sewer Special Assessment District. The Utilities Committee recommended preliminary approval be given for the 80th Ave. S. Sanitary Sewer Special Assessment District.

The Committee further recommended directing staff to proceed with the establishment of the final Special Assessment District upon completion of the construction of the 80th Ave. S. Sanitary Sewer Main project. **MOVED BY BRIERE, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

Special Assessment District:
Blaine Ave NE

Utilities Committee Chair Briere presented a report regarding the establishment of Blaine Ave. NE Sanitary Sewer Special Assessment District. The Utilities Committee recommended preliminary approval be given for the Blaine Ave. NE Sanitary Sewer Special Assessment District.

The Committee further recommended directing staff to proceed with the establishment of the final Special Assessment District upon completion of the construction of the Blaine Ave. NE Sanitary Sewer Main project. **MOVED BY BRIERE, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

ORDINANCES AND RESOLUTIONS

The following ordinances were presented for first reading and referred to the Council meeting of 02/26/2001 for second and final reading:

Franchise: Adelphia Business Solutions Operations, Fiber Optics System

An ordinance was read granting unto Adelphia Business Solutions Operations Inc., a Delaware Corporation, its successors and assigns, the right, privilege, authority and franchise to install fiber optics cable underground together with appurtenances thereto, upon, over, under, along, and across the streets, avenues and alleys of the City of Renton for the purpose of installing infrastructure to operate as a broadband digital communication provider and carrier utilizing switching and fiber optic facilities. **MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 2/26/2001. CARRIED.**

Franchise: XO Washington, Fiber Optics System

An ordinance was read granting unto XO Washington Inc., a Washington Corporation, its successors and assigns, the right, privilege, authority and franchise to install fiber optics cable underground together with appurtenances thereto, upon, over, under, along, and across the streets, avenues and alleys of the City of Renton for the purpose of installing infrastructure to operate as a broadband digital communication provider and carrier utilizing switching and fiber optic facilities. **MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 2/26/2001. CARRIED.**

Utility: Sewer Connection, Elimination of Penalty Charges

An ordinance was read amending Section 3 of Chapter 5, Sewers, of Title VIII (Health and Sanitation) of City Code by eliminating the monetary penalty for property owners within the area served by a sewerage system who choose not to connect their private drains and sewers with the sewerage system. **MOVED BY CLAWSON, SECONDED BY CORMAN, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 2/26/2001. CARRIED.**

The following ordinance was presented for first reading and advanced to second and final reading:

Annexation: Merlino-Empire Estates, MLK Jr Way (SR-900) & S 140th St

An ordinance was read annexing approximately 87.5 acres located between Martin Luther King, Jr. Way (SR-900) on the north, the BNSF Railroad right-of-way on the south (city limits), Renton Recycling on the west (city limits) and 81st Ave. South (if extended) on the east; Merlino-Empire Estates Annexation. MOVED BY CLAWSON, SECONDED BY PERSSON, COUNCIL ADVANCE THE ORDINANCE FOR SECOND AND FINAL READING. CARRIED.

Ordinance #4891

Annexation: Merlino-Empire Estates, MLK Jr Way (SR-900) & S 140th St

Following second and final reading of the above ordinance, it was MOVED BY CLAWSON, SECONDED BY PERSSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

The following ordinance was presented for second and final reading and adoption:

Ordinance #4892

Zoning: 2000 Map Book & Wall Map Adoption

An ordinance was read adopting the 2000 amendments to the zoning classifications of properties located within the City of Renton. MOVED BY BRIERE, SECONDED BY CORMAN, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

NEW BUSINESS

Transportation: Request for 180th St Crossing Closure

Councilman Persson entered a letter from Michael E. Rowswell, Rail Safety Manager, Washington Utilities and Transportation Commission, PO Box 47250, Olympia, 98504, recommending closure of the 180th St. crossing for the construction of an underpass at the railroad tracks. MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL REFER THIS MATTER TO THE TRANSPORTATION COMMITTEE. CARRIED.

WSDOT: I-405/SR 167 Flyover Ramp Project

Councilwoman Keolker-Wheeler requested that Council be briefed on the subject of the pending I-405/SR-167 Flyover Ramp project proposed by WSDOT at a future Committee of the Whole meeting.

EXECUTIVE SESSION

MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL RECESS INTO EXECUTIVE SESSION FOR 13 MINUTES TO DISCUSS POTENTIAL LITIGATION. Time: 8:52 p.m.

The meeting was reconvened at 9:05 p.m.; roll was called; all Councilmembers present.

ADJOURNMENT

MOVED BY NELSON, SECONDED BY CORMAN, COUNCIL ADJOURN. CARRIED. Time: 9:05 p.m.



MARILYN J. PETERSEN, CMC, City Clerk